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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/048,143	01/23/2002	Rossano Compagnucci	02-003-PCT-PA	2735	
75	90 03/27/2003				
Leonard Bloom & Associates Suite 220 502 Washington Avenue			EXAMINER		
			ANDERSON, GERALD A		
Towson, MD 2	21204		ART UNIT	PAPER NUMBER	
			3637		
			DATE MAILED: 03/27/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.		Applicant(s)				
Office Action Summary		10/048,143						
		Examiner		COMPAGNUCCI, ROSSANO Art Unit				
		JERRY A ANDER	SON	3637				
	The MAILING DATE of this communication app				_			
Period fo	· ·			•				
THE I - Exter after - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we re to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however within the statutory mining the apply and will expire S cause the application to	ver, may a reply be tim num of thirty (30) days IX (6) MONTHS from become ABANDONEI	ely filed s will be considered timely. the mailing date of this communication. (35 U.S.C. § 133).				
1)	Responsive to communication(s) filed on	·						
2a)□		— is action is non-fin	al.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
·	on of Claims							
•	Claim(s) <u>1-6</u> is/are pending in the application.			•	•			
	4a) Of the above claim(s) is/are withdrawn from consideration.							
·	Claim(s) is/are allowed.							
· · · · ·	Claim(s) <u>1-6</u> is/are rejected.							
·	☐ Claim(s) <u>5 and 6</u> is/are objected to.							
•	Claim(s) are subject to restriction and/or on Papers	election requiren	nent.					
	The specification is objected to by the Examiner							
,	The drawing(s) filed on is/are: a)□ accep		d to by the Exar	niner.				
,	Applicant may not request that any objection to the		-					
11) 🔲 -	The proposed drawing correction filed on	is: a) ☐ approve	d b)⊡ disappro	ved by the Examiner.				
	If approved, corrected drawings are required in rep	oly to this Office acti	on.					
12)☐ The oath or declaration is objected to by the Examiner.								
Priority u	ınder 35 U.S.C. §§ 119 and 120	•	•	•	•			
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a)[a) All b) Some * c) None of:							
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
* S	 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
14) 🗌 A	14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
 a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 								
Attachmen	t(s)							
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲	•	(PTO-413) Paper No(s) Patent Application (PTO-152)				
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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Terms which make the claims indefinite include: "it", "exactly", "known type", "becoming an integral part of it" in claim 1, "some holes", "equivalent number" in claim 2, "the fact", "suitable" in claim 3. Terms in the claims which lack proper antecedent basis include: "the two sides", "the body" in claim 1, "the anti-overturn means", "the rear end", "the telescopic guide" in claim 4, "the anti-loosening means", "the intermediate tongue" in claim 5.

Claims 1-5 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, as presented, is rejected under 35 U.S.C. 103(a) as being unpatentable over Rock et al and further in view of Langenberg et al. Rock is cited showing a element 66 housing a guide 18, a notch 67 engages a hook 64 to prevent overturn and capable of being fixed to a rack. Langenberg is cited showing a element 6 with holes S, figure 28, for the purpose of attaching a rack 47. Since the references are from the same field of endeavor the purpose of Langenberg would have been obvious in the pertinent art of Rock at the time of the invention it would have been obvious for one having an ordinary skill in the art to have modified Rock with holes for the purpose of attaching a rack in view of Langenberg.



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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jernstrom et al, Sandin, Dibble

Allowable Subject Matter

Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Anderson whose telephone number is 703 038 2202. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703 308 24668. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 3597 for regular communications and 703 306 4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 2197.

Jaa March 23, 2003

> GÉRACD'A. ANDERSON PATENT EXAMINER